

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT MARTINSBURG

MICHAEL EUGENE JONES,

Petitioner,

v.

**CIVIL ACTION NO. 3:04CV19
CRIMINAL ACTION NO. 3:00CR27-1
(BROADWATER)**

UNITED STATES OF AMERICA,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day the above styled case came before the Court for consideration of the Reports and Recommendations of Magistrate Judge James E. Seibert (Doc. No. 334 & 344), dated June 29, 2005 and August 29, 2005, and petitioner's corresponding objections (Doc. No. 335, 336, & 345), filed June 14, 2005, June 21, 2005, and September 8, 2005. Pursuant to 28 U.S.C. § 636(b)(1), this Court conducted a de novo review of the above. As a result, the Court is of the opinion that the Magistrate Judge's Reports and Recommendations (**Doc. No. 334 & 344**) should be, and are hereby, **ORDERED** adopted.

The Court further **ORDERS**

- 1) that the petitioner's supplemental Booker claim (**Doc. No. 331**) is **DENIED**;
- 2) that petitioner's § 2255 motion (**Doc. No. 311**) is **DENIED and DISMISSED WITH PREJUDICE** based on the reasons set forth in the Magistrate Judge's Reports and Recommendations. It is further **ORDERED** that this action be and is hereby **STRICKEN** from the active docket of this Court.

The Clerk is directed to transmit true copies of this Order to the petitioner and all counsel of record herein.

DATED this 7th day of December, 2006.


W. CRAIG BROADWATER
UNITED STATES DISTRICT JUDGE